



~~April 15, 2003 CPC~~
~~May 20, 2003 CPC~~
June 17, 2003 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0221
(Amended)

Jeffrey D. and Julia Bowman

Bermuda Magisterial District
South line of Old Hundred Road

REQUEST: (Amended) Rezoning from Residential (R-7) to Neighborhood Business (C-2) with Conditional Use Planned Development to permit exceptions to Zoning Ordinance requirements. Specifically, an exception to the required number of parking spaces is requested.

PROPOSED LAND USE:

Conversion of an existing single family residence for photography studio use is planned. However, with approval of this request, redevelopment of the property and other commercial uses, as restricted by Proffered Condition 1, would be permitted.

RECOMMENDATION

Recommend approval of the rezoning and approval of the exception to the required number of parking spaces for a photography studio use only for the following reasons:

- A. The requested zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for neighborhood commercial uses.
- B. This request is representative of, and compatible with, existing and anticipated development along this portion of the Route 10 Corridor.
- C. While the Zoning Ordinance sets standards for the provision of sufficient parking for various uses, the applicants have indicated a photography studio does not typically generate a large number of site visits. Therefore, a reduction in the required number of parking spaces for the photography studio use would be appropriate.

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- D. Development requirements of the Zoning Ordinance further ensure compatibility with existing and anticipated area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.)

CONDITION

A nine (9) space exception to the fourteen (14) parking spaces required shall be granted for a photography studio use only. (P)

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
 - a) Bakery Goods Store
 - b) Barber or Beauty Shop
 - c) Book, Stationery, Newspaper or Magazine Store
 - d) Brokerage
 - e) Camera Store
 - f) Candy Store
 - g) Dry Cleaning, pick-up and drop-off; pressing; laundry and Laundromat; not to include dry cleaning plants
 - h) Florist Shop
 - i) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
 - j) Offices
 - k) Shoe Repair Shop
 - l) Tailor and Dressmaking Shops
 - m) Antique Shops, not to include pawnbrokers, indoor and outdoor flea markets and second hand consignment stores
 - n) Art Schools, Galleries or Museums
 - o) Artist Material and Supply Stores
 - p) Catering Establishments
 - q) Churches and/or Sunday Schools
 - r) Clothing Stores
 - s) Curio or Gift Shops
 - t) Eyewear Sales and Services
 - u) Hobby Stores
 - v) Jewelry Stores
 - w) Libraries
 - x) Locksmith Operations
 - y) Medical Facilities or Clinics
 - z) Musical Instrument Stores
 - aa) Office Supply Stores
 - bb) Photography Studios
 - cc) Restaurants, to include carry-out, but not fast food restaurants
 - dd) Schools- music, dance and business

- ee) Sewing Machine sales, instruction and services
 - ff) Sporting Goods sales
 - gg) Toy Stores (P)
2. No direct vehicular access shall be provided from the property to Harrowgate Road or Old Hundred Road. (T)
 3. Unless removal is necessitated by a public project, the two existing large maples trees along Old Hundred Road and the one large black oak tree along Harrowgate Road shall be preserved. Nothing herein shall limit the removal of diseased, dying or dead trees. (P)
 4. The site plans shall be reviewed and approved by the Planning Commission. (P)

GENERAL INFORMATION

Location:

South line of Old Hundred Road, east line of Harrowgate Road and west line of Percival Street and better known as 4227 Old Hundred Road. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Existing Zoning:

R-7

Size:

1.3 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North and West - C-3; Commercial
South - R-7; Single family residential or church
East - A; Office

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along the north side of West Hundred Road, adjacent to the request site. Use of the public water system is required by County Code. The existing structure is connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along West Hundred Road, adjacent to the request site. Use of the public wastewater system is required by County Code. The existing structure is connected to the public wastewater system.

ENVIRONMENTAL

Drainage and Erosion:

The area is relatively flat and drains north via storm sewers and tributaries to Ashton Creek. There are no existing or anticipated on- or off-site drainage or erosion problems.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have minimal impact on fire and EMS service.

Transportation:

The property (1.3 acres) is currently zoned Residential (R-7). The applicant is requesting rezoning that will allow certain Neighborhood Business (C-2) uses to be developed on the property. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 1,900 vehicles per day. The applicant intends to develop a photography studio. Traffic generation information is not available for that land use. Vehicles generated by development of the property will be distributed, via Percival Street and Old Hundred Road, to Harrowgate Road, which had a 2003 traffic count of 12,850 vehicles per day.

Sections of Harrowgate Road have twenty (20) foot wide pavement with two (2) foot wide shoulders. Based on the current volume of traffic during peak hours, Harrowgate Road is at capacity (Level of Service E). The standard typical section for Harrowgate Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. No road

improvement projects in this area are included in the VDOT Six-Year Improvement Program.

The Thoroughfare Plan identifies Harrowgate Road as a major arterial with a recommended right of way width of 120 to 200 feet. Sixty (60) feet of right of way measured from the centerline of Harrowgate Road should be dedicated in accordance with that Plan. A large black oak tree is located on the property, approximately forty (40) feet from the centerline of Harrowgate Road. The applicant's representative has indicated an unwillingness to dedicate any right of way along Harrowgate Road in order to provide some protection for that specific tree.

Access to major arterials, such as Harrowgate Road, should be controlled. In addition, because of the proximity of the Harrowgate Road/Old Hundred Road intersection to the Percival Road/Old Hundred Road intersection, direct access should not be provided from the property to Old Hundred Road. The applicant has proffered that no direct access will be provided from the property to Harrowgate Road or Old Hundred Road. (Proffered Condition 2)

At time of site plan review, specific recommendations will be provided regarding internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for neighborhood commercial uses.

Area Development Trends:

Properties to the north and west are zoned and developed for commercial uses. Area properties to the south are currently zoned for single family residential use and have been developed for such uses and for church use. Property to the east is zoned Agricultural (A) and is currently developed as an office building. The Chester Village Plan suggests continued commercial uses are appropriate along this portion of the Route 10 Corridor.

Development Standards:

Currently, the request property lies within the Chester Village Core. The purpose of the Village District Standards is to recognize unique villages within the County, and to maintain and reinforce the character, identity and pedestrian scale of the villages by continuing and enhancing existing patterns of development. Redevelopment of this site or new construction must conform to the requirements of the Zoning Ordinance, which address street lights, street tree plantings, access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Parking:

While the Zoning Ordinance sets standards for the provision of sufficient parking, the applicants have requested an exception to the required number of parking spaces. They have indicated their photography studio does not generate a substantial amount of traffic, and, as a result, the required number of parking spaces would not be necessary. Staff feels a reduction for the photography studio use would be appropriate, however, any other permitted use on the property should provide the required number of spaces. (Condition)

Tree Preservation:

Several area property owners have expressed concern about the possibility of three (3) prominent trees on the property being removed when the site is developed. In an attempt to address this concern, the applicants have agreed that, provided the trees are not diseased, dying or dead, they will be preserved, unless removal is necessitated by a public project. (Proffered Condition 3)

Site Plans:

To address concerns expressed by area property owners that they have the ability to review the site plans through a public process, the applicants have proffered to have the site plans reviewed by the Planning Commission (Proffered Condition 4). It should be noted that the criteria under which a site plan is considered is consistent for both administrative and Commission reviews and only allows actions which are intended to ensure compliance with the Ordinance and conditions of zoning.

CONCLUSIONS

This request lies within the boundaries of the Chester Village Plan, which suggests the property is appropriate for neighborhood commercial uses. The request is also representative of, and compatible with, existing and anticipated development along this portion of the Route 10 Corridor. In addition, development requirements of the Zoning Ordinance further ensure compatibility with existing and anticipated area development.

While the Zoning Ordinance sets standards for the provision of sufficient parking for various uses, the applicants have indicated a photography studio does not typically generate a large number of site visits. Therefore, a reduction in the required number of parking spaces for the photography studio use would be appropriate.

Given these considerations, approval of the rezoning and exception to the required number of parking spaces for a photography studio use only is recommended

CASE HISTORY

Planning Commission Meeting (4/15/03):

On their own motion, the Commission deferred this case to May 20, 2003.

Staff (4/16/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than April 21, 2003, for consideration at the Commission's May 20, 2003, public hearing.

Staff, Applicants, Area Citizens and District Commissioner (4/22/03):

A meeting was held to discuss the applicants request. Concerns were expressed relative to uses, architecture, preservation of certain trees and site plan approval.

Applicants (4/28/03):

The application was amended and a written request for a deferral was submitted.

Planning Commission Meeting (5/20/03):

At the request of the applicants, the Commission deferred this case to June 18, 2003.

Staff (5/21/03):

The applicants were advised in writing that any significant new or revised information should be submitted no later than May 27, 2003, for consideration at the Commission's June 17, 2003, public hearing.

Also, the applicants were advised that a \$240.00 deferral fee must be paid prior to the Commission's June public hearing.



03SN0221 (AMENDED)
Rez: R-7 TO C-2